

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE MARRERO

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Aron Weiner,

Plaintiff,

- against -

Retrieval-Masters Creditors Bureau, Inc.,

Defendant.
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12 CIV 0013
Civil Action No.:

ECF Case - VM

**COMPLAINT AND
DEMAND FOR
TRIAL BY JURY**

Plaintiff Aron Weiner ("Plaintiff" or "Weiner"), by and through his attorneys, FREDRICK SCHULMAN & ASSOCIATES, Attorneys at Law, as and for his Complaint against the Defendant Retrieval-Masters Creditors Bureau, Inc. ("Defendant" or "RMCB"), respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of Sec. 1692 et. seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, County of Rockland, residing at 30 Hilltop Lane, Monsey, New York 10952.

3. Defendant is a New York corporation operating as a debt collection firm, with a principal place of business at 4 Westchester Plaza, Elmsford, New York 10523, and is authorized to do business in the State of New York.

4. The Defendant is a “debt collector” as the phrase is defined and used in the FDCPA.

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC Sec. 1331, as well as 15 USC Sec. 1692 et. seq. and 28 USC Sec. 2201. If applicable, the Court also has pendent jurisdiction over any State law claims in this action pursuant to 28 USC Sec. 1367(a).
6. Venue is proper in this judicial district pursuant to 28 USC Sec. 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered “1” through “6” herein with the same force and effect as if the same were set forth at length herein.
8. Upon information and belief, on a date better known to the Defendant, the Defendant began collection activities on an alleged consumer debt from the Plaintiff (“Alleged Debt”).
9. On or about January 31, 2011, the Defendant sent the Plaintiff a letter stating that it would continue its efforts to collect a debt of \$78.10. In that communication, the Defendant failed to state that it was attempting to collect a debt and that any information would be used for that purpose.
10. Said failure on the part of the Defendant is a violation of the FDCPA, 15 USC Sec 1692e(11).
11. Furthermore, upon information and belief, the Defendant never truly intended to continue its efforts to collect the Alleged Debt.
12. As a result of the Defendant’s deceptive, misleading and/or unfair debt collection practices, the Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

13. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "12" herein with the same force and effect as if the same were set forth at length herein.

14. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violate various provisions of the FDCPA, including but not limited to 15 USC §1692b(10) and (11).

15. As a result of the Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

16. Plaintiff demands and hereby respectfully requests a trial by jury for all claims and issues in this Complaint to which the Plaintiff is or may be entitled to a jury trial.


PRAYER FOR RELIEF

WHEREFORE, Plaintiff Aron Weiner demands judgment from the Defendant Retrieval-Masters Creditors Bureau, Inc., as follows:

- A. For actual damages provided and pursuant to 15 USC Sec. 1692k(a)(1);
 - B. For statutory damages provided and pursuant to 15 USC Sec.1692k(a)(2)(A);
 - C. For attorneys' fees and costs provided and pursuant to 15 USC Sec. 1692k(a)(3);
 - D. For a declaration that the Defendant's practices violated the provisions of the FDCPA;
- and,
- E. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
January 3, 2012

Respectfully submitted,

By: 
Samuel A. Ehrenfeld
FREDRICK SCHULMAN & ASSOCIATES
Attorneys at Law
Attorney for Plaintiff
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